

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MONDO VALDEZ,

Plaintiff,

CASE NO. C10-5407BHS

V.

WASHINGTON STATE  
PENITENTIARY (ADMINISTRATION  
FROM 2005-2006), et al.,

## ORDER ADOPTING REPORT AND RECOMMENDATION

## Defendants.

This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 15). The Court having considered the Report and Recommendation and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The Report and Recommendation is **ADOPTED**;
  - (2) Plaintiff's complaint is **DISMISSED without prejudice** for failure to state  
n as a matter of law under 42 U.S.C. § 1983; and
  - (3) This dismissal is counted as a **STRIKE** pursuant to 28 U.S.C. § 1915(g).

DATED this 10th day of November, 2010.

  
BENJAMIN H. SETTLE  
United States District Judge

## ORDER